

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

WILLIAM GRACE-BEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:16-CV-89 JMB
	)	
LESA RUBY, et al.,	)	
	)	
Defendants,	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.<sup>1</sup> Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

Plaintiff alleges that on February 10, 2016, and November 23, 2016, defendant Lesa Ruby, a correctional officer, refused to let him have his daily medication for treatment of HIV. Plaintiff filed grievances that were denied by defendants James Hurley, Renee Wombles, and Dave Dormire. He claims that he complained to defendant V. Ubanger, also a correctional officer, on one occasion and that Ubanger threatened to place him in disciplinary segregation.

An inmate subject to § 1915(g) is only eligible to proceed in forma pauperis if he is in imminent danger *at the time of filing his complaint*. *Ashley v. Dilworth*, 147 F.3d 715, 717 (8th Cir. 1998). "Allegations that the prisoner has faced imminent danger in the past are insufficient to trigger this exception to § 1915(g) and authorize the prisoner to pay the filing fee on the

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<sup>1</sup> *Grace v. Stubblefield*, 4:07-CV-1630 ERW (E.D. Mo.); *Grace v. Owens*, 4:08-CV-89 CDP (E.D. Mo.); *Grace v. Chastain*, 4:08-CV-598 FRB (E.D. Mo.); *Grace v. Allen*, 4:08-CV-619 CAS (E.D. Mo.); and *Grace v. Jones*, 4:08-CV-620 FRB (E.D. Mo.).

installment plan.” *Id.* In this case, plaintiff’s allegations that he missed two doses of his medication earlier this year do not show an ongoing or future risk of serious injury. Therefore, the Court will deny plaintiff’s motion for leave to proceed in forma pauperis.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for leave to proceed in forma pauperis [ECF No. 2] is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff shall have until **January 12, 2017**, to pay the \$400.00 filing fee.

**IT IS FURTHER ORDERED** that if plaintiff fails to pay the filing fee by the above deadline, the Court will dismiss this action without further proceedings.

Dated this 22nd day of December, 2016.

A handwritten signature in cursive script, appearing to read "Carol E. Jackson", is written above a horizontal line.

CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE